

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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This Document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03-cv-9849 (GBD)(SN)

**BURNETT PLAINTIFFS' NOTICE OF MOTION
FOR ENTRY OF DEFAULT JUDGMENTS FOR FAMILY-MEMBER SOLATIUM
CLAIMS UNDER 18 U.S.C. § 2333 AGAINST THE TALIBAN**

PLEASE TAKE NOTICE that upon the accompanying declaration of John M. Eubanks (hereinafter "Eubanks Decl."), with exhibits, and the accompanying memorandum of law, and in accordance with this Court's November 14, 2023 Order setting forth such information the Court requires to adjudicate this motion (*see* ECF No. 9435), the *Burnett* Moving Plaintiffs herein respectfully request Final Default Judgments Against The Taliban for pecuniary and non-pecuniary loss (including, but not limited to, solatium damages, pre-judgment interest, and trebled damages under 18 U.S.C. § 2333(a)) in favor of the *Burnett* Moving Plaintiffs. The judgment amounts sought here are based on (1) prior judgments entered by this Court for certain of the *Burnett* Moving Plaintiffs for solatium damages for immediate family members (including those individuals who have been determined by the Court to be the functional equivalent of an immediate family member) of 9/11 decedents within this MDL against *inter alia* the Islamic Republic of Iran; (2) spreading the Court's prior orders and judgments regarding the appropriate value of solatium damages for immediate family members of 9/11 decedents for the *Burnett* Moving Plaintiffs for whom judgments have not yet been entered against the Islamic Republic of Iran within this MDL; and (3) permitting non-immediate family members who have not yet asserted claims as functional equivalents of immediate family members to submit documentation at a later date to permit the

Court to adjudicate their claims under the ATA. The *Burnett* Moving Plaintiffs herein are immediate family members (including those individuals who have previously been determined by the Court to be the functional equivalent of an immediate family member or who will seek such a determination in the future) of individuals killed on September 11, 2001 in the terrorist attacks for whom counsel has determined—either based on documentation obtained or based on other evidence available to them—that either the 9/11 decedent was an American citizen/U.S. national at the time of their death, or the immediate family member of the 9/11 decedent was an American citizen/U.S. national as of September 11, 2001.

The *Burnett* Moving Plaintiffs in Exhibit B-1 move for entry of final judgment against The Taliban under the ATA for solatium damages for those Plaintiffs for whom the Court has previously entered judgment on their behalf in the values set forth on Exhibit B-1. Generally, these solatium values have been established as \$12,500,000 for the spouse of a 9/11 decedent; \$8,500,000 for the child of a 9/11 decedent; \$8,500,000 for the parent of a 9/11 decedent; and \$4,250,000 for the sibling of a 9/11 decedent.¹ The Plaintiffs in Exhibit B-2—who are either United States nationals or immediate family members of 9/11 decedents who were United States nationals at the time of their death—move for entry of final judgment against The Taliban under the ATA for solatium damages in the amounts previously established by the Court and set forth above even though prior judgments have not yet been entered on their behalf against the Islamic Republic of Iran within this MDL. The *Burnett* Moving Plaintiffs in Exhibit C will submit the requisite documentation for determination of their functional-equivalent status at a later date in accordance with the Court's prior instructions.

¹ See July 30, 2012 Report and Recommendation of Magistrate Judge Frank Maas (ECF No. 2618) (adopted by District Judge George B. Daniels on October 3, 2012 (ECF No. 2623)). Slight variations may be found in prior judgments issued for Plaintiffs found to be the “functional equivalents” of immediate family members.

The *Burnett* Moving Plaintiffs further move that such damages be trebled under the ATA and include prejudgment interest at the rate of 4.96 percent, compounded annually, from the period from September 11, 2001, until the date of the judgment for damages entered against the Taliban. In addition, the *Burnett* Moving Plaintiffs move for permission to seek punitive damages at a later date to the extent appropriate.

Dated: January 19, 2024

Respectfully submitted,

MOTLEY RICE LLC

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